

**STATE OF MICHIGAN  
EMPLOYMENT RELATIONS COMMISSION  
LABOR RELATIONS DIVISION**

In the Matter of:

DETROIT PUBLIC SCHOOLS,  
Public Employer-Respondent,

- and -

Case No. C07 B-041

TERRIE REYNOLDS,  
Individual Charging Party.

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APPEARANCES:

Terrie Reynolds, *In Propria Persona*

**DECISION AND ORDER**

On May 29, 2007, Administrative Law Judge Doyle O'Connor issued his Decision and Recommended Order in the above matter finding that Respondent has not engaged in and was not engaging in certain unfair labor practices, and recommending that the Commission dismiss the charges and complaint as being without merit.

The Decision and Recommended Order of the Administrative Law Judge was served on the interested parties in accord with Section 16 of the Act.

The parties have had an opportunity to review the Decision and Recommended Order for a period of at least 20 days from the date of service and no exceptions have been filed by any of the parties.

**ORDER**

Pursuant to Section 16 of the Act, the Commission adopts the recommended order of the Administrative Law Judge as its final order.

MICHIGAN EMPLOYMENT RELATIONS COMMISSION

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Christine A. Dardarian, Commission Chair

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Nino E. Green, Commission Member

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Eugene Lumberg, Commission Member

Dated: \_\_\_\_\_

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An Individual Charging Party.

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**APPEARANCES:**

Terrie Reynolds, Charging Party, appearing personally

**DECISION AND RECOMMENDED ORDER  
OF ADMINISTRATIVE LAW JUDGE ON ORDER TO SHOW CAUSE**

Pursuant to Sections 10 and 16 of the Public Employment Relations Act (PERA), 1965 PA 379, as amended, MCL 423.210 and 423.216, this case was assigned for hearing to Doyle O'Connor, Administrative Law Judge (ALJ) for the Michigan Employment Relations Commission.

**The Unfair Labor Practice Charge, Order to Show Cause, and Findings of Fact:**

On February 28, 2007, a Charge was filed in this matter asserting that the Employer treated Charging Party improperly or unfairly. Because there was no allegation suggesting that the Employer was motivated by union or other activity protected by the Public Employment Relations Act (PERA), it appears that the charge against the Employer fails to state a claim upon which relief can be granted.

On March 29, 2007, pursuant to Rule 165, R 423.165, of the General Rules and Regulations of the Employment Relations Commission, Charging Party was granted twenty-one days to file a written statement explaining why the charges should not be dismissed prior to a hearing for failure to state a claim under PERA. The order advised Charging Party that to avoid dismissal of the Charge, any response to the order to show cause must provide a factual basis to proceed that establishes the existence of an alleged violation of PERA. Charging Party did not respond to the order.

Discussion and Conclusions of Law:

PERA does not prohibit all types of discrimination or unfair treatment, nor is the Commission charged with interpreting the collective bargaining agreement to determine whether its provisions were followed. Absent a factually supported allegation that the Employer was motivated by union or other activity protected by Section 9 of PERA, the Commission is prohibited from making a judgment on the merits or fairness of the actions complained of by Charging Party in this matter. See e.g. *City of Detroit (Fire Department)*, 1988 MERC Lab Op 561, 563-564; *Detroit Board of Education*, 1987 MERC Lab Op 523, 524. The conclusory allegations in the charge in this matter, together with Charging Party's failure to respond to an order to show cause, warrant dismissal for failure to state a claim under the Act.

**RECOMMENDED ORDER**

The unfair labor practice charge is dismissed.

MICHIGAN EMPLOYMENT RELATIONS COMMISSION

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Doyle O'Connor  
Administrative Law Judge

Dated: \_\_\_\_\_